

IN THE UNITED STATES DISTRICT COURT	
DISTRICT OF UTAH	
COLBY THOMPSON, Plaintiff, v. POLARIS INDUSTRIES, INC., Defendant.	ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR A TRO Case No. 2:17-cv-00863-JNP Judge Jill N. Parrish

Before the court is plaintiff Colby Thompson's motion for a TRO. [Docket 3]. Mr. Thompson requests that this court order defendant Polaris Industries not to visit the site of an accident involving an off-road vehicle that it manufactured. In the alternative, Mr. Thompson requests an order enjoining Polaris from touching, removing, or disturbing items at the accident scene. The court held a hearing on the motion, where both Mr. Thompson and Polaris were represented by counsel.

The court GRANTS IN PART AND DENYS IN PART Mr. Thompson's motion. The accident scene is on public property, and no legal principle would bar Polaris from visiting the site and taking pictures of the vehicle and the surrounding area. The court finds that Mr. Thompson's fears that investigators employed by Polaris may disturb the scene do not justify a broad prohibition against visiting the site to take pictures. The court concludes, however, that the requirements for a TRO have been satisfied for a more limited injunction that prohibits Polaris from manipulating or disturbing the accident scene.

Based upon Mr. Thompson's motion for a TRO and pursuant to Rule 65 of the Federal Rules of Civil Procedure, the court hereby enters the following Temporary Restraining Order:

Polaris Industries and its agents are enjoined from touching, removing, or otherwise disturbing anything at the scene of the off-road vehicle accident that is the subject of this lawsuit. Polaris and its agents are limited to a visual examination and photography until Polaris and Colby Thompson make arrangements for a joint inspection of the accident scene.

This TRO shall expire in 14 days. If the parties cannot agree to a joint inspection, Mr. Thompson must contact the court to schedule a preliminary injunction hearing.

SIGNED July 28, 2017 at 2:45 pm.

BY THE COURT:



JILL N. PARRISH, Judge
United States District Court